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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER MOUZON, LAJUANIA N	
			ART UNIT 2153	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,255

Applicant(s)

CARUSI ET AL.

Examiner

La Juania N. Mouzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's preliminary amendment filed 10/16/2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Drawings

4. The drawings are objected to because on Fig. 3b #324 should be #334. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 345 (Fig. 3b). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 303, 305, and 307 (pg. 11); 334 and 346 (pg. 12 line(s) 8 and 23 respectfully). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

7. Applicant is reminded of the proper language and format for an abstract of the disclosure.

8. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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9. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

10. The abstract of the disclosure is objected to because it should not repeat any information given in the title and use of implied phrases **(line(s) 5-7)**.

Correction is required. See MPEP § 608.01(b).

11. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

12. The disclosure is objected to because of the following informalities: pg. 11 line(s) 8-12, the description of 306 does not match the #306 in figure 3a.

Whereas, the proper description is identified as block 307.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claim 1 recites the limitation "the measuring" in lines(s) 4-5 and 9. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 1 recites the limitation "transmitting the request to the server computer" in lines(s) 8. It is not clear in the claim, up to this point, which request is being transmitted. Is it the updated request or the originated request.

Claim Objections

17. Claims 13 and 14 objected to because of the following informalities: need to add ":" after including on line(s) 2 and 3 respectfully. Appropriate correction is required.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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19. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

20. Claims 1-3, 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reps et al. (US 6,070,190) in view of Lopke et al. (US PGPub 2002/0169868).

21. In regards to claim 1 Reps et al. discloses, a method of monitoring performance of distributed applications (**Col. 8 line(s) 50-56**) including the steps of:

- a. a client computer originating a request of service for a server computer (**Col. 9 line(s) 59-61, teach the client sending the application monitoring and alerting (AMA) probe, as the request, for a service on the server.**),
- b. if the request meets at least one predefined condition, enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request (**Col. 10 line(s) 32-51, teach a predefine condition of the client given authorization to access the server computer. After the proper authorization is granted**

to the client Col. 9 line(s) 52-67 teach that the client computer starts monitoring of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.),

c. **transmitting the request to the server computer (Col. 9 line(s) 61-64, teach that a connection is establish by sending the AMA probe from sending the request.),**

d. **enabling the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request (Col. 9 line(s) 64-67, teach a service responses from the server.**

Therefore it is obvious that the measuring, for a sub-transaction, that was requested was enabled on the server computer.),

e. **executing the sub-transaction (Col. 9 line(s) 64-67 and Col. 15 line(s) 21-26, teach that the requested sub-transaction is being executed.),**

22. Reps et al. do not teach updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas the correlation identifiers are linked to at least one performance parameter measured on the server and client computers.

23. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by updating the request with a session id/page-id that is associated with the latency

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measurement (time stamp) (**¶0023**). Likewise Lopke et al. also checks for the identifier when the message is received to render the time measurement (**¶0040**).

24. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the capability having an associating id for looking up the associated date/time stamp stored in the database and for the ease of keeping track of what computers are associated with the measurement.

25. In regards to claim 2 Reps et al. discloses, wherein the step of originating the request is performed under the control of a first module running on the client computer (**Col. 15 line(s) 7-10, teach that the first module running on the client computer (GUI interface) is used to originate the request.**),

- f. the method further including
 - i. the step of intercepting the request by a second module running on the client computer (**Col. 15 line(s) 11-15, teach that the second module, running on the client computer, (executable portion of the AMA probe code) intercepts the request.**),

ii. the step of enabling the measuring of the at least one performance parameter for the transaction and updating the request by inserting the correlation identifier if the request meets the at least one predefined condition being performed under the control of the second module **(Col. 15 line(s) 19-26, teach that the second module enables the measuring at least one performance parameter for the transaction if at least one predefined condition is met. It would have been obvious that the updating of the correlation identifier would happen in this module since a transaction record is created and therefore a correlation identifier would have to be linked with the request for future database searching purposes.)**

26. In regards to claim 3 the combination of Reps et al. and Lopke et al., as explained above, teach further including at least one recursive execution of the steps of: the server computer originating at least one further request of service for at least one further server computer, if the request includes the correlation identifier, updating the at least one further request by inserting a further correlation identifier, transmitting each further request to the corresponding further server computer, if the further request includes the further correlation identifier, enabling the measuring on the further server computer of the at least one performance parameter for a further sub-transaction originating from the further request, executing the further sub-transaction, and associating the further

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correlation identifier with the at least one performance parameter measured on the further server computer. **(Col. 12 line(s) 20-23, teach that the AMA probe may monitor multiple server computers at a time. Therefore it would have been obvious if monitoring multiple servers the probe can send a request to one server that may initiate that server to send a request to another server for information. Concluding that the similar steps in claim 3 that are in claim 1 are executed in the same fashion as explained above.)**

27. In regards to claim 8 the combination of Reps et al. and Lopke et al., as explained above, teach, a computer program directly loadable into a working memory of a data processing system with a distributed architecture for performing the method of claim 1 when the program is run on the data processing system **(Col. 8 line(s) 50-56 and ¶0031, respectively)**.

28. In regards to claim 9 Reps et al. discloses, a computer program, directly loadable into a working memory of a client computer in a data processing system with a distributed architecture, for performing a method of monitoring performance of distributed applications when the program is run on the client computer **(Col. 8 line(s) 50-56)**, the method including the steps of:

- g. originating a request of service for a server computer **(Col. 9 line(s) 59-61, teach the client sending the application monitoring and alerting (AMA) probe, as the request, for a service on the server.)**,

- h. if the request meets at least one predefined condition, enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request (**Col. 10 line(s) 32-51, teach a predefine condition of the client given authorization to access the server computer. After the proper authorization is granted to the client Col. 9 line(s) 52-67 teach that the client computer starts monitoring of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.),**
- i. transmitting the request to the server computer (**Col. 9 line(s) 61-64, teach that a connection is establish by sending the AMA probe from sending the request.)** for causing the server computer to enable the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request (**Col. 9 line(s) 64-67, teach after the request was transmitted a service responses from the server is received. Therefore it is obvious that the measuring, for a sub-transaction, that was requested was enabled on the server computer.)**).

29. Reps et al. do not teach updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas the correlation identifiers are linked to at least one performance parameter measured on the server and client computers.

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30. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by updating the request with a session id/page id that is associated with the latency measurement (time stamp) (**¶0023**). Likewise Lopke et al. also checks for the identifier when the message is received to render the time measurement (**¶0040**).

31. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the capability having an associating id for looking up the associated date/time stamp stored in the database and for the ease of keeping track of what computers are associated with the measurement.

32. In regards to claim 10 Reps et al. discloses, a computer program, directly loadable into a working memory of a server computer in a data processing system with a distributed architecture, for performing a method of monitoring performance of distributed applications when the program is run on the server computer, the method including the steps of:

- j. receiving a request of service from a client computer (**Col. 10 line(s) 32-34, teach receiving a request of service from a client computer.**),

- k. the client computer, if the request meets at least one predefined condition, enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request **(Col. 10 line(s) 32-51, teach a predefine condition of the client given authorization to access the server computer. After the proper authorization is granted to the client Col. 9 line(s) 52-67 teach that the client computer starts monitoring of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.),**
- l. enabling the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request **(Col. 9 line(s) 64-67, teach after the request was transmitted a service responses from the server is received. Therefore it is obvious that the measuring, for a sub-transaction, that was requested was enabled on the server computer.),**
- m. executing the sub-transaction **(Col. 9 line(s) 64-67 and Col. 15 line(s) 21-26, teach that the requested sub-transaction is being executed.).**
33. Reps et al. do not teach updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas the correlation

identifiers are linked to at least one performance parameter measured on the server and client computers.

34. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by updating the request with a session id/page id that is associated with the latency measurement (time stamp) (**¶0023**). Likewise Lopke et al. also checks for the identifier when the message is received to render the time measurement (**¶0040**).

35. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the capability having an associating id for looking up the associated date/time stamp stored in the database and for the ease of keeping track of what computers are associated with the measurement.

36. In regards to claim 11 Reps et al. discloses, a computer program, directly loadable into a working memory of a client computer in a data processing system with a distributed architecture, for performing a method of monitoring performance of distributed applications when the program is run on the client computer, the method including the steps of:

- n. intercepting a request of service for a server computer originated on the client computer by a further computer program (**Col. 10 line(s) 32-34, teach intercepting a request of service for a server computer originated on the client computer by a further computer program.**),
- o. if the request meets at least one predefined condition, enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request (**Col. 10 line(s) 32-51, teach a predefine condition of the client given authorization to access the server computer. After the proper authorization is granted to the client Col. 9 line(s) 52-67 teach that the client computer starts monitoring of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.**),
- p. transmitting the request to the server computer (**Col. 9 line(s) 61-64, teach that a connection is establish by sending the AMA probe from sending the request.**) for causing the server computer to enable the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request (**Col. 9 line(s) 64-67, teach after the request was transmitted a service responses from the server is received. Therefore it is obvious that the measuring, for a sub-transaction, that was requested was enabled on the server computer.**).

37. Reps et al. do not teach updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas the correlation identifiers are linked to at least one performance parameter measured on the server and client computers.

38. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by updating the request with a session id/page id that is associated with the latency measurement (time stamp) (**¶0023**). Likewise Lopke et al. also checks for the identifier when the message is received to render the time measurement (**¶0040**).

39. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the capability having an associating id for looking up the associated date/time stamp stored in the database and for the ease of keeping track of what computers are associated with the measurement.

40. In regards to claim 12 the combination of Reps et al. and Lopke et al., as explained above, teach, a program product comprising a computer readable medium on which the program of claim 8 is stored.

41. In regards to claim 13 Reps et al. discloses, a data processing system with a distributed architecture for monitoring performance of distributed applications including

- q. at least one client computer and at least one server computer (**Fig. 1 #100 and #104 respectively, teach at least one client computer and at least one server computer.**),
- r. wherein each client computer has means for originating a request of service for a server computer (**Col. 9 line(s) 59-61, teach the client having means for originating a request by sending the application monitoring and alerting (AMA) probe, as the request, for a service on the server.**),
- s. means for enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request (**Col. 9 line(s) 52-67, teach means for the client computer enabling the monitoring (measuring) of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.**),
- t. means for transmitting the request to the server computer (**Col. 9 line(s) 61-64, teach means for transmitting the request to the server.**),
- u. and wherein each server computer has means for enabling the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request (**Col. 9 line(s)**

64-67, teach a service responses from the server. Therefore it is obvious that means for measuring for a sub-transaction, that was requested was enabled on the server computer.)

v. means for executing the sub-transaction (**Col. 9 line(s) 64-67 and Col. 15 line(s) 21-26, teach that the requested sub-transaction is being executed.**),

42. Reps et al. do not teach means for updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas there is means for the correlation identifiers being linked to at least one performance parameter measured on the server and client computers.

43. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by having means for updating the request with a session id/page id that is associated with the latency measurement (time stamp) (**¶0023**). Likewise Lopke et al. also has means for checking for the identifier when the message is received to render the time measurement (**¶0040**).

44. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the capability having an associating id for looking up the associated date/time stamp

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stored in the database and for the ease of keeping track of what computers are associated with the measurement.

45. In regards to claim 14 Reps et al. discloses, a client computer for monitoring performance of distributed applications in a data processing system with a distributed architecture, the client computer including

- w. means for originating a request of service for a server computer
(Col. 9 line(s) 59-61, teach the client having means for originating a request by sending the application monitoring and alerting (AMA) probe, as the request, for a service on the server.),
- x. means for enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request **(Col. 9 line(s) 52-67, teach means for the client computer enabling the monitoring (measuring) of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.)** and for updating the request by inserting a correlation identifier if the request meets at least one predefined condition,
- y. means for transmitting the request to the server computer **(Col. 9 line(s) 61-64, teach means for transmitting the request to the server.)**
- z. for causing the server computer to enable the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request if the request includes the

correlation identifier, to execute the sub-transaction (**Col. 9 line(s) 64-67, teach a service responses from the server. Therefore it is obvious that means for measuring for a sub-transaction, that was requested was enabled on the server computer.**).

46. Reps et al. do not teach means for updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas there is means for the correlation identifiers being linked to at least one performance parameter measured on the server and client computers.

47. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by having means for updating the request with a session id/page id that is associated with the latency measurement (time stamp) (**¶0023**). Likewise Lopke et al. also has means for checking for the identifier when the message is received to render the time measurement (**¶0040**).

48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the capability having an associating id for looking up the associated date/time stamp

stored in the database and for the ease of keeping track of what computers are associated with the measurement.

49. In regards to claim 15 Reps et al. discloses, a server computer for monitoring performance of distributed applications in a data processing system with a distributed architecture,

aa. the server computer including means for receiving a request of service from a client computer **(Col. 10 line(s) 32-34, teach the server computer including means for receiving a request of service from a client computer.)**,

bb. the client computer, if the request meets at least one predefined condition, enabling the measuring on the client computer of at least one performance parameter for a transaction corresponding to the request **(Col. 10 line(s) 32-51, teach a predefine condition of the client given authorization to access the server computer. After the proper authorization is granted to the client Col. 9 line(s) 52-67 teach that the client computer starts monitoring of at least one performance parameter for a transaction corresponding to the request, since the application monitoring and alerting (AMA) probe is embodied in the client computer.)**

cc. means for enabling the measuring on the server computer of the at least one performance parameter for a sub-transaction originating from the request **(Col. 9 line(s) 64-67, teach a service responses from the**

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server. Therefore it is obvious that means for measuring for a sub-transaction, that was requested was enabled on the server computer.)

dd. means for executing the sub-transaction (Col. 9 line(s) 64-67 and Col. 15 line(s) 21-26, teach that the requested sub-transaction is being executed.),

50. Reps et al. do not teach means for updating the request with a correlation identifier and checking to see if the request includes the identifier. Whereas there is means for the correlation identifiers being linked to at least one performance parameter measured on the server and client computers.

51. In the same field of endeavor Lopke et al. teach measuring latency for rendering of webpage's when the client submits a request to the server, by having means for updating the request with a session id/page id that is associated with the latency measurement (time stamp) (**¶0023**). Likewise Lopke et al. also has means for checking for the identifier when the message is received to render the time measurement (**¶0040**).

52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments with Lopke et al. teaching as discussed above to allow for the

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capability having an associating id for looking up the associated date/time stamp stored in the database and for the ease of keeping track of what computers are associated with the measurement.

53. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reps et al. (US 6,070,190), in view of Lopke et al. (US PGPub 2002/0169868) as applied to claim 1 above, and further in view of Davis et al. (US 6,138,155).

54. In regards to claim 5 the combination of Reps et al. and Lopke et al. do not teach, wherein the step of originating the request includes: downloading a document from the server computer, displaying the document, and selecting a link in the document, and wherein the step of enabling the measuring of the at least one performance parameter for the transaction and updating the request by inserting the correlation identifier if the request meets the at least one predefined condition includes: verifying whether a definition of the document includes at least one enabling identifier.

55. In the same field of endeavor Davis et al. teach requesting a webpage from a server that is downloaded to the client to either download an application to initiate monitoring of a parameter or starting monitoring of a parameter once a link or search is initiated (**Col. 9 line(s) 23-27 and Col. 19 line(s) 2-8**). Likewise, a client id is inserted into the request upon calculating the parameter (**Col. 9 line(s) 40-52**).

56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Reps et al. client-based application availability and response monitoring and reporting for distributed computing environments and Lopke et al. interactive remote-monitoring of client page render times on a per user basis with Davis et al. teaching as discussed above to allow for the capability of tracking/monitoring a clients interaction within a webpage to collect statically data.

Allowable Subject Matter

57. Claims 4, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

58. The following is a statement of reasons for the indication of allowable subject matter: Although the combination of Reps et al. (US 6,070,190) and Lopke et al. (US PGPub 2002/0169868) teach everything in claim 1, they do not teach or suggest wherein the step of enabling the measuring of the at least one performance parameter for the transaction and updating the request by inserting the correlation identifier if the request meets the at least one predefined condition includes: verifying whether an address of the server computer matches a predetermined pattern stored on the client computer. Likewise the combination of Reps et al. (US 6,070,190), Lopke et al. (US PGPub 2002/0169868) and Davis et al. (US 6,138,155) teach everything in claim 1 and 5, but do not teach or

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suggest wherein the step of verifying whether the definition of the document includes the at least one enabling identifier includes: verifying whether the definition of the document includes a global enabling identifier for all the transactions originating from the document or verifying whether a definition of the selected link includes a local enabling identifier for the transactions originating from the selected link .

Conclusion


59. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lean et al. (US 7,155,512) methods and systems for automatically configuring network monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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